City Clerk  
City of Hamilton  
77 James Street North  
Hamilton, ON  
L8R 2K3  

Re: Bayview Terrace (ZAC-00-18)  

As a follow up to the Economic Development and Planning Committee meeting held August 5, 2008 and my presentation on behalf of the owner of the lands in the Barton Tiffany Block I provide the following for your reference:  

The lands constitute a major portion of the block bounded by Stuart St. on the north, Bay St. on the east, Barton St. on the south and Tiffany St. on the west and our client has an outstanding application to rezone his lands to residential from industrial in accordance with the City's vision for the area. City council has already approved the rezoning of these lands required to convert these lands from industrial to residential by resolution dated December 12, 1989 and subsequently by resolution dated March 23, 2005 following the completion of the Secondary Plan Study conducted by the City for the west Harbourfront area.  

Our client purchased the lands in 1997 in reliance of the resolution of City Council dated December 12, 1989 and brought his current application with the encouragement of the City's Planning Department in 2000, over 8 years ago. The application is in complete accordance with the resolutions already passed by Council on the recommendations of the Planning and Development Department and is in complete accordance with the City's vision for these lands. He plans a 150-200 unit townhouse/condominium complex, in the place of the current auto wrecking yard with obvious tax revenue benefits along with beautification of the corridor from the downtown to the waterfront park.  

Our client wishes to commence the cleanup of the lands, update the noise study that has shown that all environmental standards can be met and start construction. Although CN initially indicated that it would object to our client's application, we have already had
fruitful discussions with the solicitors for CN and believe we can meet their needs as expressed by them which have been vetted with their solicitor. CN is our problem not the City's and if they object, which is to be expected, we are prepared to meet their needs and are confident, based on our discussions with their solicitor that we can do so.

Our client just wishes to have the green light through the approval of his application and the City's support so we can complete the process of dealing with CN, of obtaining the noise study and of cleaning up the lands for development.

By a letter to the City clerk dated July 7, 2008 we requested that our client's application (ZAC-00-18) be proceeded with as the rezoning of these lands have had been held in abeyance for almost 20 years. The subject of our client's application has already been approved by Council, in fact twice. We don't need further consultation or delay. Our client seeks approval of his application and confirmation that he can move forward with the noise study and the cleanup of the site.

Incidentally, traditionally the City has always concurred that the proposed zoning and Official Plan amendment was consistent with the City’s long range vision for the subject lands.

It is important to note that our client’s Application to have the subject lands re-zoned to permit the residential development has only been objected to by CN while the Setting Sail by-law and Official Plan amendment have a number of objectors, including some of the owners of the very lands being proposed for re-zoning.

As the facts disclose, the proposed development by our client has been excessively delayed. The project amounts to an infilling of a residential area. In so doing, it would remove an environmentally unsound area and greatly enhance the area by replacing the former auto wrecking yard and used car site with a desirable, comprehensive, residential, infilling development generating significantly increased revenues for the City.

As you can appreciate, there is already considerable long standing residential development existing immediately adjacent to our client’s lands and this development would complete the residential block.

We have confidence that the CN, as the only objector to our client’s application, will remove their objection pertaining to our client’s development because it represents sound planning and their needs for noise easements etc. can be met in accordance with precedents already set by them in the Crooks/Barton area in which our office was involved.
This is a project that the City and surrounding Community should be most anxious to expedite because it is a residential use that will compliment the area and remove the “eye sore” that will considerably enhance the area.

This will not impact on the other re-zoning situation because this will be site specific.

As was confirmed by staff at the meeting, the Planning Department is fully supportive of our client’s application.

The required time for action on our client’s application has long passed and our client now requires the City to approve of our client’s application with passage of the necessary amendment to the Official Plan and the rezoning by-law within 90 days from our formal request made to the clerk by letter delivered to the City clerk on July 7, 2008.

We believe it would be appropriate have the implementing by-laws drafted for consideration at the September 2, 2008 meeting of the Committee of the Whole.

Yours very truly,

Anthony Powell
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